

In the Senate of the United States,

September 26, 2011.

Resolved, That the bill from the House of Representatives (H.R. 2017) entitled “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.”, do pass with the following

AMENDMENTS:

Strike all after the enacting clause and insert the following:

1 *That the following sums are hereby appropriated, out*
2 *of any money in the Treasury not otherwise appropriated,*
3 *and out of applicable corporate or other revenues, receipts,*
4 *and funds, for the several departments, agencies, corpora-*
5 *tions, and other organizational units of Government for fis-*
6 *cal year 2012, and for other purposes, namely:*

7 *SEC. 101. (a) Such amounts as may be necessary, at*
8 *a rate for operations as provided in the applicable appro-*

1 *priations Acts for fiscal year 2011 and under the authority*
2 *and conditions provided in such Acts, for continuing*
3 *projects or activities (including the costs of direct loans and*
4 *loan guarantees) that are not otherwise specifically pro-*
5 *vided for in this Act, that were conducted in fiscal year*
6 *2011, and for which appropriations, funds, or other author-*
7 *ity were made available in the following appropriations*
8 *Acts:*

9 (1) *The Department of Defense Appropriations*
10 *Act, 2011 (division A of Public Law 112–10).*

11 (2) *The Full-Year Continuing Appropriations*
12 *Act, 2011 (division B of Public Law 112–10).*

13 (b) *The rate for operations provided by subsection (a)*
14 *is hereby reduced by 1.503 percent.*

15 SEC. 102. (a) *No appropriation or funds made avail-*
16 *able or authority granted pursuant to section 101 for the*
17 *Department of Defense shall be used for (1) the new produc-*
18 *tion of items not funded for production in fiscal year 2011*
19 *or prior years; (2) the increase in production rates above*
20 *those sustained with fiscal year 2011 funds; or (3) the initi-*
21 *ation, resumption, or continuation of any project, activity,*
22 *operation, or organization (defined as any project, sub-*
23 *project, activity, budget activity, program element, and sub-*
24 *program within a program element, and for any investment*
25 *items defined as a P–1 line item in a budget activity within*

1 an appropriation account and an R-1 line item that in-
2 cludes a program element and subprogram element within
3 an appropriation account) for which appropriations, funds,
4 or other authority were not available during fiscal year
5 2011.

6 (b) No appropriation or funds made available or au-
7 thority granted pursuant to section 101 for the Department
8 of Defense shall be used to initiate multi-year procurements
9 utilizing advance procurement funding for economic order
10 quantity procurement unless specifically appropriated
11 later.

12 SEC. 103. Appropriations made by section 101 shall
13 be available to the extent and in the manner that would
14 be provided by the pertinent appropriations Act.

15 SEC. 104. Except as otherwise provided in section 102,
16 no appropriation or funds made available or authority
17 granted pursuant to section 101 shall be used to initiate
18 or resume any project or activity for which appropriations,
19 funds, or other authority were not available during fiscal
20 year 2011.

21 SEC. 105. Appropriations made and authority granted
22 pursuant to this Act shall cover all obligations or expendi-
23 tures incurred for any project or activity during the period
24 for which funds or authority for such project or activity
25 are available under this Act.

1 *SEC. 106. Unless otherwise provided for in this Act*
2 *or in the applicable appropriations Act for fiscal year 2012,*
3 *appropriations and funds made available and authority*
4 *granted pursuant to this Act shall be available until which-*
5 *ever of the following first occurs: (1) the enactment into law*
6 *of an appropriation for any project or activity provided*
7 *for in this Act; (2) the enactment into law of the applicable*
8 *appropriations Act for fiscal year 2012 without any provi-*
9 *sion for such project or activity; or (3) October 4, 2011.*

10 *SEC. 107. Expenditures made pursuant to this Act*
11 *shall be charged to the applicable appropriation, fund, or*
12 *authorization whenever a bill in which such applicable ap-*
13 *propriation, fund, or authorization is contained is enacted*
14 *into law.*

15 *SEC. 108. Appropriations made and funds made avail-*
16 *able by or authority granted pursuant to this Act may be*
17 *used without regard to the time limitations for submission*
18 *and approval of apportionments set forth in section 1513*
19 *of title 31, United States Code, but nothing in this Act may*
20 *be construed to waive any other provision of law governing*
21 *the apportionment of funds.*

22 *SEC. 109. Notwithstanding any other provision of this*
23 *Act, except section 106, for those programs that would other-*
24 *wise have high initial rates of operation or complete dis-*
25 *tribution of appropriations at the beginning of fiscal year*

1 2012 because of distributions of funding to States, foreign
2 countries, grantees, or others, such high initial rates of oper-
3 ation or complete distribution shall not be made, and no
4 grants shall be awarded for such programs funded by this
5 Act that would impinge on final funding prerogatives.

6 SEC. 110. This Act shall be implemented so that only
7 the most limited funding action of that permitted in the
8 Act shall be taken in order to provide for continuation of
9 projects and activities.

10 SEC. 111. (a) For entitlements and other mandatory
11 payments whose budget authority was provided in appro-
12 priations Acts for fiscal year 2011, and for activities under
13 the Food and Nutrition Act of 2008, activities shall be con-
14 tinued at the rate to maintain program levels under current
15 law, under the authority and conditions provided in the
16 applicable appropriations Act for fiscal year 2011, to be
17 continued through the date specified in section 106(3).

18 (b) Notwithstanding section 106, obligations for man-
19 datory payments due on or about the first day of any month
20 that begins after October 2011 but not later than 30 days
21 after the date specified in section 106(3) may continue to
22 be made, and funds shall be available for such payments.

23 SEC. 112. Amounts made available under section 101
24 for civilian personnel compensation and benefits in each de-
25 partment and agency may be apportioned up to the rate

1 *for operations necessary to avoid furloughs within such de-*
2 *partment or agency, consistent with the applicable appro-*
3 *priations Act for fiscal year 2011, except that such author-*
4 *ity provided under this section shall not be used until after*
5 *the department or agency has taken all necessary actions*
6 *to reduce or defer non-personnel-related administrative ex-*
7 *penses.*

8 *SEC. 113. Funds appropriated by this Act may be obli-*
9 *gated and expended notwithstanding section 10 of Public*
10 *Law 91–672 (22 U.S.C. 2412), section 15 of the State De-*
11 *partment Basic Authorities Act of 1956 (22 U.S.C. 2680),*
12 *section 313 of the Foreign Relations Authorization Act, Fis-*
13 *cal Years 1994 and 1995 (22 U.S.C. 6212), and section*
14 *504(a)(1) of the National Security Act of 1947 (50 U.S.C.*
15 *414(a)(1)).*

16 *SEC. 114. (a) Except as provided in subsection (b),*
17 *each amount incorporated by reference in this Act that was*
18 *previously designated as being for contingency operations*
19 *directly related to the global war on terrorism pursuant to*
20 *section 3(c)(2) of H. Res. 5 (112th Congress) and as an*
21 *emergency requirement pursuant to section 403(a) of S.*
22 *Con. Res. 13 (111th Congress), the concurrent resolution on*
23 *the budget for fiscal year 2010, is designated by the Con-*
24 *gress for Overseas Contingency Operations/Global War on*
25 *Terrorism pursuant to section 251(b)(2)(A) of the Balanced*

1 *Budget and Emergency Deficit Control Act of 1985, except*
2 *that such amount shall be available only if the President*
3 *subsequently so designates such amount and transmits such*
4 *designation to the Congress. Section 101(b) of this Act shall*
5 *not apply to any amount so designated.*

6 (b) *Subsection (a) shall not apply to amounts for “De-*
7 *partment of Justice—Federal Bureau of Investigation—*
8 *Salaries and Expenses”.*

9 *SEC. 115. During the period covered by this Act, dis-*
10 *cretionary amounts appropriated for fiscal year 2012 that*
11 *were provided in advance by appropriations Acts shall be*
12 *available in the amounts provided in such Acts, reduced*
13 *by the percentage in section 101(b).*

14 *SEC. 116. Notwithstanding section 101, amounts made*
15 *available by this Act for “Department of Defense—Oper-*
16 *ation and Maintenance—Operation and Maintenance, Air*
17 *Force” may be used by the Secretary of Defense for oper-*
18 *ations and activities of the Office of Security Cooperation*
19 *in Iraq and security assistance teams, including life sup-*
20 *port, transportation and personal security, and facilities*
21 *renovation and construction: Provided, That the authority*
22 *made by this section shall continue in effect through the*
23 *date specified in section 106(3) of this Act: Provided fur-*
24 *ther, That section 9014 of division A of Public Law 112–*
25 *10 shall not apply to funds appropriated by this Act.*

1 *SEC. 117. Notwithstanding section 101, funds made*
2 *available in title IX of division A of Public Law 112–10*
3 *for “Overseas Contingency Operations” shall be available*
4 *at a rate for operations not to exceed the rate permitted*
5 *by H.R. 2219 (112th Congress) as passed by the House of*
6 *Representatives on July 8, 2011.*

7 *SEC. 118. The authority provided by section 127b of*
8 *title 10, United States Code, shall continue in effect through*
9 *the date specified in section 106(3) of this Act.*

10 *SEC. 119. The authority provided by section 1202 of*
11 *the John Warner National Defense Authorization Act for*
12 *Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412),*
13 *as extended by section 1204(b) of the Duncan Hunter Na-*
14 *tional Defense Authorization Act for Fiscal Year 2009 (Pub-*
15 *lic Law 110–417; 122 Stat. 4623), shall continue in effect*
16 *through the date specified in section 106(3) of this Act.*

17 *SEC. 120. Notwithstanding section 101, amounts are*
18 *provided for “Defense Nuclear Facilities Safety Board—*
19 *Salaries and Expenses” at a rate for operations of*
20 *\$29,130,000.*

21 *SEC. 121. Notwithstanding any other provision of this*
22 *Act, except section 106, the District of Columbia may ex-*
23 *pend local funds under the heading “District of Columbia*
24 *Funds” for such programs and activities under title IV of*
25 *H.R. 2434 (112th Congress), as reported by the Committee*

1 *on Appropriations of the House of Representatives, at the*
2 *rate set forth under “District of Columbia Funds—Sum-*
3 *mary of Expenses” as included in the Fiscal Year 2012*
4 *Budget Request Act of 2011 (D.C. Act 19–92), as modified*
5 *as of the date of the enactment of this Act.*

6 *SEC. 122. Notwithstanding section 101, amounts are*
7 *provided for the necessary expenses of the Recovery Account-*
8 *ability and Transparency Board, to carry out its functions*
9 *under title XV of division A of the American Recovery and*
10 *Reinvestment Act of 2009 (Public Law 111–5), at a rate*
11 *for operations of \$28,350,000.*

12 *SEC. 123. (a) Section 9(m) of the Small Business Act*
13 *(15 U.S.C. 638(m)) shall be applied by substituting the date*
14 *specified in section 106(3) of this Act for “September 30,*
15 *2011”.*

16 *(b) Notwithstanding section 9(n)(1)(A) of the Small*
17 *Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business*
18 *Technology Transfer Program shall continue in effect*
19 *through the date specified in section 106(3) of this Act.*

20 *(c) Notwithstanding section 9(y)(6) of the Small Busi-*
21 *ness Act (15 U.S.C. 638(y)(6)), the pilot program under*
22 *section 9(y) of such Act shall continue in effect through the*
23 *date specified in section 106(3) of this Act.*

24 *SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United*
25 *States Code, is amended by striking “September 30, 2011”*

1 *and inserting the date specified in section 106(3) of this*
2 *Act.*

3 *SEC. 125. (a) Notwithstanding section 101, amounts*
4 *are provided for “Department of Homeland Security—Fed-*
5 *eral Emergency Management Agency—Disaster Relief” at*
6 *a rate for operations of \$2,650,000,000: Provided, That the*
7 *Secretary of Homeland Security shall provide a full ac-*
8 *counting of disaster relief funding requirements for such ac-*
9 *count for fiscal year 2012 not later than 15 days after the*
10 *date of the enactment of this Act, and for fiscal year 2013*
11 *in conjunction with the submission of the President’s budget*
12 *request for fiscal year 2013.*

13 *(b) The accounting described in subsection (a) for each*
14 *fiscal year shall include estimates of the following amounts:*

15 *(1) The unobligated balance of funds in such ac-*
16 *count that has been (or will be) carried over to such*
17 *fiscal year from prior fiscal years.*

18 *(2) The unobligated balance of funds in such ac-*
19 *count that will be carried over from such fiscal year*
20 *to the subsequent fiscal year.*

21 *(3) The amount of the rolling average of non-cat-*
22 *astrophic disasters, and the specific data used to cal-*
23 *culate such rolling average, for such fiscal year.*

24 *(4) The amount that will be obligated each*
25 *month for catastrophic events, delineated by event and*

1 *State, and the total remaining funding that will be*
2 *required after such fiscal year for each such cata-*
3 *strophic event for each State.*

4 (5) *The amount of previously obligated funds*
5 *that will be recovered each month of such fiscal year.*

6 (6) *The amount that will be required in such fis-*
7 *cal year for emergencies, as defined in section 102(1)*
8 *of the Robert T. Stafford Disaster Relief and Emer-*
9 *gency Assistance Act (42 U.S.C. 5122(1)).*

10 (7) *The amount that will be required in such fis-*
11 *cal year for major disasters, as defined in section*
12 *102(2) of the Robert T. Stafford Disaster Relief and*
13 *Emergency Assistance Act (42 U.S.C. 5122(2)).*

14 (8) *The amount that will be required in such fis-*
15 *cal year for fire management assistance grants, as de-*
16 *fined in section 420 of the Robert T. Stafford Disaster*
17 *Relief and Emergency Assistance Act (42 U.S.C.*
18 *5187).*

19 *SEC. 126. Any funds made available pursuant to sec-*
20 *tion 101 for the Department of Homeland Security may*
21 *be obligated at a rate for operations necessary to sustain*
22 *essential security activities, such as: staffing levels of oper-*
23 *ational personnel; immigration enforcement and removal*
24 *functions, including sustaining not less than necessary de-*
25 *tention bed capacity; and United States Secret Service pro-*

1 *pective activities, including protective activities necessary to*
2 *secure National Special Security Events. The Secretary of*
3 *Homeland Security shall notify the Committees on Appro-*
4 *priations of the House of Representatives and the Senate*
5 *on each use of the authority provided in this section.*

6 *SEC. 127. The authority provided by section 532 of*
7 *Public Law 109–295 shall continue in effect through the*
8 *date specified in section 106(3) of this Act.*

9 *SEC. 128. The authority provided by section 831 of*
10 *the Homeland Security Act of 2002 (6 U.S.C. 391) shall*
11 *continue in effect through the date specified in section*
12 *106(3) of this Act.*

13 *SEC. 129. Section 550(b) of the Department of Home-*
14 *land Security Appropriations Act, 2007 (6 U.S.C. 121 note)*
15 *shall be applied by substituting the date specified in section*
16 *106(3) of this Act for “October 4, 2011”.*

17 *SEC. 130. Sections 1309(a) and 1319 of the National*
18 *Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026)*
19 *shall be applied by substituting the date specified in section*
20 *106(3) of this Act for “September 30, 2011”.*

21 *SEC. 131. Section 330 of the Department of the Inte-*
22 *rior and Related Agencies Appropriations Act, 2001 (42*
23 *U.S.C. 1701 note), concerning Service First authorities,*
24 *shall continue in effect through the date specified in section*
25 *106(3) of this Act.*

1 *SEC. 132. Notwithstanding section 101, section 1807*
2 *of Public Law 112–10 shall be applied by substituting*
3 *“\$374,743,000” for “\$363,843,000” and “\$10,900,000” for*
4 *“\$3,000,000”.*

5 *SEC. 133. The second proviso of section 1801(a)(3) of*
6 *Public Law 112–10 is amended by striking “appropriation*
7 *under this subparagraph” and inserting “appropriations*
8 *made available by this Act”.*

9 *SEC. 134. Notwithstanding section 101, amounts are*
10 *provided for “Federal Mine Safety and Health Review*
11 *Commission—Salaries and Expenses” at a rate for oper-*
12 *ations of \$14,510,000.*

13 *SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f)*
14 *of the Public Health Service Act (42 U.S.C. 280i(e), 280i–*
15 *1(g), 280i–2(f)) shall be applied by substituting the date*
16 *specified in section 106(3) of this Act for “September 30,*
17 *2011”.*

18 *SEC. 136. Notwithstanding section 101, section 2005*
19 *of division B of Public Law 112–10 shall be applied by*
20 *substituting “\$0” for each dollar amount.*

21 *SEC. 137. The Export-Import Bank Act of 1945 (12*
22 *U.S.C. 635 et seq.) shall be applied by substituting the date*
23 *specified in section 106(3) of this Act for “September 30,*
24 *2011” in section 7 of such Act.*

1 *SEC. 138. Section 209 of the International Religious*
2 *Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by*
3 *substituting the date specified in section 106(3) of this Act*
4 *for “September 30, 2011”.*

5 *SEC. 139. Commitments to guarantee loans incurred*
6 *under the General and Special Risk Insurance Funds, as*
7 *authorized by sections 238 and 519 of the National Housing*
8 *Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed a rate*
9 *for operations of \$25,000,000,000: Provided, That total loan*
10 *principal, any part of which is to be guaranteed, may be*
11 *apportioned through the date specified in section 106(3) of*
12 *this Act, at \$80,000,000 multiplied by the number of days*
13 *covered in this Act.*

14 *SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS*
15 *UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF*
16 *2003.—*

17 *(1) IN GENERAL.—Congress approves the renewal*
18 *of the import restrictions contained in section 3(a)(1)*
19 *and section 3A (b)(1) and (c)(1) of the Burmese Free-*
20 *dom and Democracy Act of 2003.*

21 *(2) RULE OF CONSTRUCTION.—This section shall*
22 *be deemed to be a “renewal resolution” for purposes*
23 *of section 9 of the Burmese Freedom and Democracy*
24 *Act of 2003.*

1 **(b) EFFECTIVE DATE.**—*This section shall take effect*
2 *on July 26, 2011.*

3 **(c) APPLICABILITY.**—*This section shall not be subject*
4 *to any other provision of this Act.*

5 *This Act may be cited as the “Continuing Appropria-*
6 *tions Act, 2012”.*

Amend the title so as to read: “An Act making continuing appropriations for fiscal year 2012, and for other purposes.”.

Attest:

Secretary.

112TH CONGRESS
1ST SESSION

H.R. 2017

AMENDMENTS